#4

Atty Dkt No. 9400-0013
PXE-013.US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

FRANCIS et al.   Conf. No: 6970

Serial No.: 09/888,049   Art Unit: Unassigned

Filing Date: June 21, 2001   Examiner: Unassigned

Title: COMPOSITIONS AND METHODS FOR USE THEREOF IN MODIFYING THE GENOMES OF MICROORGANISMS

DECLARATION UNDER 37 CFR §1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Gary R. Fabian, declare and affirm as follows:

1. I am agent for the applicant herein.

2. The diskette which accompanies this Declaration contains the required Sequence Listing.

3. The Sequence Listing recorded on said diskette (i.e., the computer-readable form) matches the hard copy of the Sequence Listing accompanying this Declaration, that is, the information recorded on the form is identical to the written Sequence Listing.

4. The submission contains no new matter relative to the application as originally filed.

1

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 29 Oct 2001

By: _____
Gary R. Fabian, Ph.D.
Registration No. 33,875

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 325-7812
Fax: (650) 325-7823